

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE COLUMBIA UNIVERSITY
PATENT LITIGATION

Case No. 04-md-01592

**JOINT STIPULATION REGARDING
TRIAL ON THE ISSUE OF NON-
STATUTORY DOUBLE PATENTING**

This stipulation is made by and between plaintiffs Johnson & Johnson, Genentech, Inc., Amgen Inc. and Immunex Corporation and defendant The Trustees of Columbia University in the City of New York ("Columbia University"), who are parties to actions transferred to this Court pursuant to an April 8, 2004 order by the Judicial Panel for Multidistrict Litigation.¹ On July 16, 2004, the stipulating parties submitted a Joint Report stating the parties' belief that the Court has authority "to permit all parties in all cases to participate in an expedited trial in the District of Massachusetts on the issue of non-statutory double patenting" where the parties jointly stipulate to jurisdiction before this Court for trial on that limited issue.

IT IS HEREBY STIPULATED, by and between plaintiffs Johnson & Johnson, Genentech, Inc., Amgen Inc. and Immunex Corporation and defendant Columbia University, that each party consents to an expedited trial in the District of Massachusetts on the sole issue of non-statutory double patenting and waives entitlement to remand under 28 U.S.C. § 1407(a) as to the limited issue of non-statutory double patenting. The parties do not consent to trial in the District

¹ Johnson & Johnson v. The Trustees of Columbia University in the City of New York, C.A. No. 04-10743 originated in the Southern District of New York, Case No. 03-cv-8811. Genentech, Inc. v. The Trustees of Columbia University in the City of New York, C.A. No. 04-11546 originated in the Northern District of California, Case No. C-04-1910 WDB. Immunex Corp. and Amgen Inc. v. The Trustees of Columbia University in the City of New York, Case No. 04-10740 originated in the Central District of California, Case No. 03-4349MRP.

of Massachusetts or waive entitlement to remand to the district where their respective actions were originally filed for trial on any other issue.

Dated: August 18, 2004

Respectfully submitted,

/s/ Melissa Mandrgoc

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